

FILED

RULE 11 AGREEMENT

2003 JUL 16 AM 12:45

As reflected by counsels' signatures below, the parties in the matter styled *Avia Energy Development, LLC et al. v. Carlos Francisco Navarro*, with Cause No. 03-03314, and pending in the 192nd Judicial District Court, Dallas County, Texas, hereby agree, as follows:

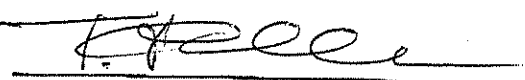
1. Defendant Carlos Francisco Navarro ("Dr. Navarro") shall and does hereby withdraw his Motion for Protective Order and to Stay Discovery ("Motion for Protective Order").
2. Neither Dr. Navarro nor plaintiffs will serve upon the other or any third parties any further discovery of any type until August 1, 2003.
3. All written discovery previously served by the respective parties will be treated as follows:
 - a. Dr. Navarro shall answer, object, respond, and produce any responsive documents to only request numbers 46-62 in the Plaintiffs' Second Set of Requests for Production to Carlos Francisco Navarro on or before July 7, 2003. Dr. Navarro will not object to these requests on the basis that the requests seek discovery unrelated to the alleged threshold issue argued in his motion to dismiss.
 - b. Dr. Navarro shall answer, object, respond, and produce any responsive documents to request numbers 43-45 in the Plaintiffs' Second Set of Requests for Production to Carlos Francisco Navarro on or before July 7, 2003. However, these three requests are limited to documents evidencing criminal complaints, administrative inquiries and/or any lawsuits regarding Mr. Musselman in Mexico and relating to Avia USA, Avia Mexico, and/or the funds referenced in the Plaintiffs' Original Petition in this case. Dr. Navarro will not object to these requests on the basis that the requests seek discovery unrelated to the alleged threshold issue argued by Dr. Navarro's motion.
 - c. Plaintiff James C. Musselman shall answer, object, respond, and produce any responsive documents to request numbers 1-3 in Defendant Dr. Carlos Francisco Navarros' First Request for Production to Plaintiff James C. Musselman on or before July 14, 2003. The Plaintiffs will not object to these requests on the basis that the requests seek discovery unrelated to the alleged threshold issue presented in Dr. Navarro's motion to dismiss.
 - d. Plaintiff James C. Musselman shall answer, object, respond, and produce any responsive documents to request numbers 8-9 in Defendant Dr. Carlos Francisco Navarros' First Request for Production to Plaintiff James C. Musselman on or before July 14, 2003. However, these two requests are limited to Avia de Mexico's official documents and/or organizational records that are individually identified in Dr. Navarro's motion to dismiss or which

otherwise contain or reflect a forum section clause relevant to the motion to dismiss. The Plaintiffs will not object to these requests on the basis that the requests seek discovery unrelated to the alleged threshold issue presented in Dr. Navarro's motion to dismiss.

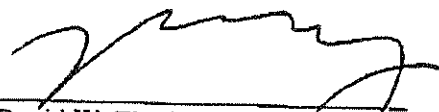
- e. James C. Musselman shall respond and/or object to request numbers 1-2, 4-8, 10, and 12 in Defendant Dr. Carlos Francisco Navarro's First Set of Admissions to Plaintiff James C. Musselman on or before July 14, 2003. James C. Musselman will not object to these requests on the basis that the requests seek discovery unrelated to the alleged threshold issue presented in Dr. Navarro's motion to dismiss.
- f. In the event the court denies Defendant Dr. Navarro's motion to dismiss, the parties shall answer, object or otherwise respond to any remaining written discovery not expressly identified above and previously served by another party, as if such written discovery had been served, via hand delivery, on the date the court signs the order denying the motion to dismiss. However, in no event, unless otherwise agreed to by the parties, shall the deadline to answer, object or otherwise respond to this remaining written discovery be after September 1, 2003.

4. Other than to enforce this agreement, neither party shall file any additional motion(s) for protection based on the argument that requested discovery is not limited to the alleged threshold issue argued by Dr. Navarro's motion to dismiss.

AGREED:


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JULY 7, 2003
1:12 P.M.


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